

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SILVERCREEK MANAGEMENT, INC., *et al.*,

Plaintiffs,

v.

CITIGROUP, INC., *et al.*,

Defendants.

Civil Action No.
02-cv-08881-JPO

**AGREED MOTION FOR EXPEDITED CONSIDERATION OF,
AND FOR ENTRY OF, ORDER OF DISMISSAL WITH PREJUDICE
OF THE FINANCIAL INSTITUTIONS AND BAR ORDER**

WHEREAS, Plaintiffs Silvercreek Management, Inc., Silvercreek Limited Partnership, Silvercreek II Limited, OIP Limited, and Pebble Limited Partnership (“Silvercreek”), and Defendants Merrill Lynch & Co., Inc., Credit Suisse First Boston (USA), Inc. (n/k/a Credit Suisse (USA), Inc.), Credit Suisse First Boston LLC (n/k/a Credit Suisse Securities (USA) LLC), and Pershing LLC (f/k/a Donaldson, Lufkin & Jenrette Securities Corporation) and Deutsche Bank Alex. Brown Inc. (n/k/a Deutsche Bank Securities Inc.) and Deutsche Bank AG (collectively, the “Financial Institutions”) have entered into Settlement Agreements and Mutual Releases (the “Agreements”), dated as of December 28, 2018, settling all claims against the Financial Institutions in the above-captioned Action;

WHEREAS the provisions of the Agreements require Silvercreek and the Financial Institutions to apply to the Court for a bar order to be entered as a final judgment as to the Financial Institutions under Rule 54(b) of the Federal Rules of Civil Procedure; and

WHEREAS the Financial Institutions have filed an answer and moved for summary judgment in this Action, so that Federal Rule of Civil Procedure 41(a)(2) applies;

NOW THEREFORE, Silvercreek and the Financial Institutions respectfully request that the Court enter the attached Proposed Order of Final Judgment and Dismissal as to the Financial Institutions and Bar Order, which is also being submitted to the Court's proposed order email address. Silvercreek and the Financial Institutions also seek expedited consideration of the entry of the attached Proposed Order of Final Judgment and Dismissal as to the Financial Institutions and Bar Order so that the settlement between Silvercreek and the Financial Institutions may promptly be effectuated.

Date: January 9, 2019

Respectfully submitted,

SPERLING & SLATER, P.C.

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